



Delegated Report

Householder Planning Application

Planning Application No: 20230256

Location: Tips N Toes 54 New Road Gravesend Kent

Description: Change of Use to hot food takeaway, including the installation of extraction/ventilation to the rear.

Applicant: Mrs A Cauc

Site Visit Date: 04/08/2023

Submitted Documents/Plans

- Application form;
- Location Plan;
- Drawing no. MS03701 Sheet 1 of 1 (Existing Plan and Elevation);
- Drawing no. MS03702 Sheet 1 of 1 Rev. 1 (Proposed Plan);
- Drawing no. MS93703 Sheet 1 of 1 (Proposed Elevations);
- Drawing no. MS03704 Sheet 1 of 1 Rev. 2 (Existing Block Plan);
- Drawing no. MS03705 Sheet 1 of 1 Rev. 2 (Proposed Block Plan); and
- Planning Statement.

~~Location Plan;~~

~~Drawing no. MS03704 Sheet 1 of 1 (Existing Block Plan);~~

~~Drawing no. MS03702 Sheet 1 of 1 (Proposed Plan);~~

Revised plans were received due to errors in the red line boundary.

Relevant Planning History

Reference	Description	Decision	Decision Date
20100295	Continued use of ground floor as a beauty salon.	Permitted	21.05.2010
19870874	Erection of three storey building to form 4 no retail units with offices over	Permitted	23.12.1987

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS08 – Retail, Leisure and Hierarchy of Centres
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change

- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings
- T1 – Impact of Development on Highway Network

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- 2 – Achieving Sustainable Development
- 6 – Building a strong, competitive economy
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006);

Consultations, Publicity and Representations

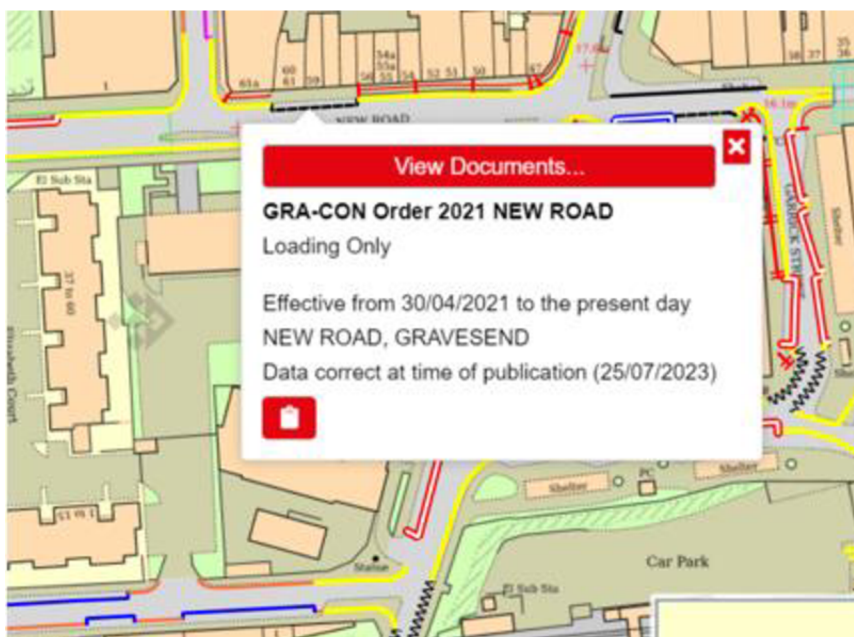
Consultees

GBC Highways Officer

This proposal requires very careful consideration as any hot food takeaway can create parking problems particularly on busy route to and from the town centre.

The existing business requires people to stay at the premises for some time whilst they receive Treatment, which necessitates the finding of an appropriate parking space. A Hot Food Takeaway usually only requires short stay visits to order, pay for and collect food, which may be precooked or cooked to order.

Delivery services which collect food for onward delivery could to my understanding legitimately park in the nearby loading bay as no financial transaction is taking place, although it would be necessary to check the appropriate traffic order to determine if there are any limitations.



It requires advice from an appropriately qualified person to confirm what is and is not permitted.

People wishing to collect pre-ordered food that has been paid for may also possibly be permitted to park in the loading bay, but again this requires clarification by an appropriately qualified person.

The problem primarily exists with people that wish to order, pay for and collect their food in a single visit, as there are no immediate local car parks, these people will potentially park on street ignoring the restrictions in place and possibly displacing those that may park in the loading bay.

It is impossible to determine in advance what if any harm will be done to the free flow of the highway should the application be permitted, and it will only be with hindsight that any changes will become obvious, by which time it will be too late. It is accepted that the area is subject to extensive waiting restrictions but to be effective these need to be regularly enforced which would be beyond the ability of the majority if not all local councils.

In isolation an objection on highway grounds is unlikely to be successful at appeal, as we are dealing with an un-quantifiable issue, the evidence only becoming available post implementation of any approval.

GBC Environmental Protection - First response

No objection to this application. The location and building (commercial/office) is appropriate for this type of use being town centre. It will however be important to ensure that an appropriate kitchen ventilation system is installed to ensure that odour and noise are dealt with. An Odour assessment should accompany any details submitted and should refer to the current guidance - "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (2018 update). In addition, a noise assessment will also be required.

The following conditions are recommended:

Restaurant/Takeaway Odour:

Prior to any works commencing on site, the applicant shall:

- 1) Submit a scheme in writing to the Local Planning Authority for approval in relation to cooking odour/fume control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". Full details of proposed extraction system to deal with grease and odour control should include:

- a) Plans and details of all duct work (internal and external) and equipment.
- b) Plans showing the location/position of the external flue/discharge stack, including its position in relation to neighbouring properties and window openings.
- c) Details of all grease filtration and odour control including the manufacturer's specification/data sheets. This includes the canopy.
- d) Details, including manufacturer's specification/data sheets of the fan.
- e) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
- f) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances to be used.

Where the end user is not yet known, the extraction system shall be designed for a 'very high' grease content, a 'very high' level of odour potential and a 'very high' smoke content (EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)).

- 2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the LPA to verify the installation, ensuring minimum discharge rates are included

The extraction and odour/fume control equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and safeguarding the amenities of the surrounding area

Restaurant/Takeaway Noise:

Prior to any works commencing on site, the applicant shall:

- 1) Submit a scheme in writing, including a noise survey, to the Local Planning Authority for approval in relation to noise control. The extraction system must be designed and installed in accordance with the "EMAQ/Defra Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018 update)". The noise survey should assess the worst-case scenario noise impact from the proposed extract and ventilation system, on nearby residential properties and must:
 - a) Assess the whole system and any tonal elements associated it; a 1/3 octave band analysis may be necessary.
 - b) Assess structural transmission with the use of anti-vibration mounts where necessary, linings to ductwork to prevent noise transmission, any inline silencers and provide details of where they have been installed.
 - c) Use the results of the noise survey to ensure that the noise generated at the boundary of any noise sensitive property meets the requirements laid down in BS4142:2014 "Method for Rating and Assessing Industrial and Commercial Sound".
- 2) Install and commission the extract system using a competent ventilation engineer in accordance with approved details. Provide a commissioning report to the Local Planning Authority to verify the installation, including post completion noise levels.

The equipment shall be maintained and operated in a condition such that the requirements of BS4142:2014 continue to be met. After installation of the approved plant, no new plant or ducting system shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties and

safeguarding the amenities of the surrounding area

Code of Practice on Construction and Demolition:

Please apply as appropriate to minimise any impact on neighbouring premises during the conversion works.

Lighting:

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

GBC Environmental Protection – Second Response

Nothing further to add to my consultation response dated 13th April 2023. The conditions previously recommended still stand.

Neighbouring properties

37 surrounding properties were consulted plus a site notice – overall consultation expiry date was 25.08.2023 – 2 responses (the same response submitted twice) have been received the comments of which are as follows:

- Having a premises close by selling same/similar food will have catastrophic consequences for their business

Officer's Analysis

The application site consists of the ground floor of no. 54 which is one of four units in the three storey Overcliffe House a late 1980s building on the northern side of the Overcliffe. The premises is a three storey building (including the roof space). The premises was last used as 'Tips N Toes' beauty salon but is currently vacant.

The proposal is for change of use of the premises from a beauty salon to a hot food takeaway (sui generis).

The principle considerations in the assessment of this application are:

- Principle of development
- Design, Character and Appearance
- Neighbouring Amenity
- Parking and Highways Safety

Principle of Development

The application site is located within the Gravesend Town Centre Opportunity Area and the Primary Shopping Area. Policy CS05 (LPCS) states that the Opportunity Area will be the principal focus for town centre related economic and social activity in the Borough and that this will be achieved by consolidating the existing retail area, encouraging a mix of employment and residential uses, improving its role as a transport hub by the creation of a public transport interchange, promoting an evening economy through giving support to the provision of leisure uses and taking full advantage of its heritage and riverside setting.

Policy CS08 (LPCS) states that the Council will seek to reinforce a sustainable network and hierarchy of centres which includes maintaining the sub-regional role of Gravesend Town Centre. It states that Gravesend Town Centre will be maintained as the highest order centre within the Borough and the Primary Shopping Area will be the sequentially preferred location for new retail development.

Within this stretch of New Road from no. 47 – 61a there are 13 units used as follows (at the time of site visit):

Unit No.	Name	Use Class
47	Quality Mirrors & Pictures	E(a)
48	Hair & Beauty Hair, Nail & Beauty Salon	E (c) (iii)
49	New Road Groceries	E(a)
50	Milaad 2 Authentic Indian Cuisine Restaurant & Takeaway	E (b)
51-53	M.Tomlin & Son Independent Funeral Directors	E (c) (ii)
54 (Application site)	Currently vacant but last used as Tips & Toes	E (c) (iii)
55	Nail Crazy	E (c) (iii)
56	Jewels Tours	E (c) (iii)
57	VALI Alterations and Repair	E (c) (iii)
58	City Alterations Professional Tailoring, Alteration & Repair	E (c) (iii)
59	Time Zone Key Cutting & Watch Repairs	E (a)
60-61	Saviany Grocery	E(a)
61a	British Heart Foundation Furniture and Electrical Shop	E(a)

Therefore, out of the 13 units:

- 5 are E(a) retail sale of goods other than hot food;
- 6 are E(c)(iii) other appropriate services in a commercial, business or service locality;
- 1 is E(b) sale of food and drink for consumption on the premises; and
- 1 is E(c)(ii) Professional services.

In this case there is considered to be a healthy amount of retail uses and other appropriate services in a commercial, business or service locality in the units in this stretch of New Road from 47-61a. It is considered the change of use of the application unit from a beauty salon would not harm the overall retail function of the town centre. The existing lawful use of the application unit is already non-retail and so there would be no loss of a retail unit. The proposal would be the first takeaway in this stretch of units, there would therefore be no over-predominance of takeaways.

Policy CS05 does encourage a mix of employment uses and it would be a commercial use at ground floor which would support the economic activity of the town centre including the night time economy.

The proposed development would bring an empty unit back into use and would provide employment for 4 full time and 2 part time staff.

It is considered that on balance after considering all the issues the proposal would not affect the sub-regional role of Gravesend town centre or its economic activity and that the change of use from a beauty salon to a takeaway is an acceptable development in principle and as such in respect of principle of development the proposal is considered compliant with Policies CS05 and CS08 (LPCS).

Design, Character and Appearance

The proposed development would comprise of a change of use, with the only external alteration being associated with the installation of a ventilation/extraction system at the rear of the building. This would be situated at the rear of the building and would not be visible from any public vantage points. The trunking would follow the rear wall, extend slightly above eaves level and it is said would have a colour finish to

match the brickwork of the building. The building is yellow brickwork, it is not certain whether yellow would be an appropriate colour for the ducting therefore it is considered that should permission be forthcoming a condition could be attached to request details of the colour finish of the ducting.

Overall it is considered that the proposal would not cause harm to the character of the building or the streetscene and as such in respect of design, character and appearance the proposal is considered compliant with Policy CS19 (LPCS).

Neighbouring Amenity

There do not appear to be any residential properties in the upper floors of Overcliffe House itself nos. 54-57) nor above in the upper floor of the adjacent building no. 51-52. The nearest residential properties may potentially be above the properties to the west nos. 58-61.

The introduction of a takeaway at the application site has the potential to cause adverse odour and noise/disturbance impacts to the occupiers of any surrounding residential properties from cooking/odour extraction activities and customer visits/activities. GBC Environmental Protection raise no objections to the proposal but advise that an appropriate kitchen ventilation system will need to be installed to ensure that odour and noise are dealt with. To this end an Odour assessment and a Noise Assessment will be required which they advise can be conditioned should permission be forthcoming (as these would be pre-commencement conditions these have been agreed with the agent). The agent has confirmed in correspondence with the case officer that the opening hours would be 12:00-22:00 which are considered acceptable and would need to be conditioned. The refuse storage would be as existing for the previous beauty salon use, there is a refuse bin located at the rear of the premises, as is the case for each of the units of Overcliffe House.

Overall, it is considered that subject to conditions the proposed development would have no significant adverse impacts on the residential amenity of any surrounding neighbouring premises and in respect of neighbouring amenity the proposal would be compliant with Policy CS19 (LPCS).

Parking and Highways

The proposal is for a takeaway. There is one car parking area to the rear and accessed via a driveway from Bath Street. Other than that there is no off-street parking for the premises. The application site is located in New Road at the section between Bath Street and Stuart Road. From the corner with Bath Street to outside no. 56 there are double yellow lines and railings. Adjacent to this and outside nos. 57-61 New Road there is a loading bay and then outside no. 61a there are double yellow lines again. There are also double yellow lines opposite the site outside of Joynes House.

The GBC Highways Officer has commented on the proposal and advises that it needs careful consideration as any hot food takeaway can create parking problems particularly such as in this case a busy route into the town centre. He states the existing business as a beauty salon necessitates people being more likely to find a parking space given the length of their stay whilst they receive a treatment, as opposed to the proposed takeaway use which only requires a short visit. The officer advises that delivery services which collect food and people collecting pre-ordered food may be able to park in the loading bay although it would be necessary to check this with an appropriately qualified person. The Highways Officer considers the issue is really those people that wish to come to the premises to buy and collect their food in a single visit given that there are no immediate local car parks as these people may potentially park on street ignoring the restrictions in place and possibly displacing those that may park in the loading bay. The Highways Officer advises that it is impossible in advance to determine what if any harm will be done to the free flow of the highway should the application be permitted and it will only be with hindsight that any changes will become obvious but by which time it will be too late. The Highways Officer acknowledges the extensive highway restrictions but considers that in order to be effective these need to be regularly enforced which would be beyond the scope of the majority if not all Council's. Ultimately the Highways Officer advises that in isolation an objection on highway grounds is unlikely to be successful at appeal as he states we are dealing with an unquantifiable issue with the evidence of any issues only becoming available post

implementation of any approval.

Given the GBC Highways Officer raises no specific objection to the proposal and indeed states that a ground of refusal on highway grounds would not be upheld at appeal as explained above, it is considered that the proposal is therefore acceptable in respect of parking and highways safety.

It is not possible to park on-street outside of the application site premises or in the immediate vicinity. The nearest on-street parking is round the corner down Stuart Road (once past the double yellow lines) which is pay and display. There is therefore sufficient off-street parking nearby for customers of the takeaway who may wish to drive there. Furthermore, the site is located in the town centre where there are public car park nearby (St Georges Centre & Gravesend Station) and the site is accessible by public transport. It is noted that the existing beauty salon use would also have the potential to generate a number of vehicle movements. The proposal would provide a fast food option in the town centre which would reduce the need to travel particularly if people walk to the site, use public transport etc to visit the town centre. It is considered that if driving people would more than likely be visiting the town centre to do other things and would not be visiting to only go to the application site. As such they would likely use one of the public car parks or on-street parking spaces in Stuart Road and there would reduce any impact of vehicles indiscriminately parking outside the premises which as stated due to the double yellow lines and premises could not take place in any case.

Overall it is considered that although there are concerns in respect of the parking and highways matters there would not be sufficient grounds to refuse the application on this basis.

Conclusion & Recommendation

Subject to conditions (the applicant has agreed the pre-commencement conditions) the proposal is considered acceptable in respect of the principle of development, design, character and appearance, neighbouring amenity and although there are concerns with regards parking and highway safety, they are not considered significant enough to warrant a refusal.

Recommendation: Permission subject to conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	12th September 2023	Dated:	14 September 2023